

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD HANNEL,	)	8:05CV0009
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
JO ANNE B. BARNHART,	)	
Commissioner of Social Security	)	
Administration,	)	
	)	
Defendant.	)	

This social security appeal has returned to this court after a remand pursuant to sentence six of 42 U.S.C. § 405(g). Upon reconsideration, and after a new administrative hearing, an administrative law judge (“ALJ”) issued a decision fully favorable to the plaintiff. That favorable decision has been filed with this court. (Ex. A to Filing 11.) The Commissioner has now moved for issuance of final judgment in accordance with the decision of the ALJ. (Filing 11.) I find that the Commissioner’s motion should be granted and will enter final judgment by separate document pursuant to 42 U.S.C. § 405(g), sentence four in accordance with the decision of the ALJ. Counsel for Plaintiff should note that entry of the final judgment will trigger the period during which a timely application for attorney fees may be made under the Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”).<sup>1</sup>

IT IS ORDERED:

1. The motion in filing 11 is granted; and

---

<sup>1</sup>An EAJA fee application based on a district court’s final judgment pursuant to sentence four of 42 U.S.C. § 405(g) must be filed within 90 days of the sentence four judgment. Shalala v. Schaefer, 509 U.S. 292, 302 (1993).

2. Final judgment in favor of the plaintiff shall be entered by separate document in accordance with this order and the decision of the ALJ (Ex. A to Filing 11).

September 27, 2005.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge